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Texts adopted by Parliament

Thursday, 4 September 2008 - Brussels

Provisional edition

Palestinian prisoners in Israeli jails

P6_TA-PROV(2008)0404

B6-0343, 0380, 0381 and 0382/2008

European Parliament resolution of 4 September 2008 on the situation of Palestinian prisoners in Israeli jails

The European Parliament,

- having regard to its previous resolutions on the Middle East,
- having regard to the statement made to Parliament by Commissioner Benita Ferrero-Waldner on 9 July 2008 on the situation of Palestinian prisoners in Israeli jails,
- having regard to the EU-Israel Association Agreement and to the results of the eighth meeting of the EU-Israel Association Council of 16 June 2008,
- having regard to the report drawn up by its ad hoc delegation to Israel and the Palestinian territories (30 May to 2 June 2008) and its conclusions,
- having regard to the Geneva Conventions, in particular Convention (IV) relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and in particular to Articles 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77 and 143 thereof,
- having regard to the UN International Covenant on Civil and Political Rights of 1966,
- having regard to the International Committee of the Red Cross Annual Report for 2007, and in particular the section dealing with the Occupied Palestinian Territories,
- having regard to the reports published in 2006, 2007 and 2008 by the Public Committee Against Torture in Israel with the help of financial contributions from the European Commission and several Member States,

- having regard to the relevant UN resolutions on the Middle East conflict,
 - having regard to Rule 108(5) of its Rules of Procedure,
- A. whereas Israel has been facing many deadly terrorist attacks against its civilian population in recent years and whereas the Israeli authorities have taken a number of measures to prevent those terrorist actions, including arresting suspected Palestinian militants, but whereas the fight against terrorism is no justification for violating humanitarian law,
- B. whereas today more than 11 000 Palestinians, including hundreds of women and children, are being held in Israeli prisons and detention centres and whereas most of those detainees were arrested in the Occupied Palestinian Territories,
- C. whereas, according to the Convention on the Rights of the Child, to which Israel is a signatory, a child is defined as a human being under the age of 18 years; whereas, however, Palestinian children from the age of 16 years are considered adults under Israeli military regulations governing the Occupied Palestinian Territories, and are often held in inappropriate conditions,
- D. whereas 198 Palestinians were freed by the Israeli Government on 25 August 2008 as a gesture of good will and to build mutual trust and whereas further negotiations are being conducted between the two sides with a view to reaching a more comprehensive agreement on the release of other prisoners,
- E. whereas positive steps were recently taken by the Governments of Israel and Lebanon to exchange prisoners for the remains of Israeli soldiers,
- F. whereas around 1 000 prisoners are detained in Israel on the basis of 'administrative detention orders', with the right of appeal but without charge, trial and rights of defence ; whereas such 'administrative detention orders' can be, and in some cases are, prolonged for many years,
- G. whereas human rights reports state that Palestinian prisoners are subject to abuses and use of torture,
- H. whereas it is often impossible or very difficult for the vast majority of Palestinian prisoners held in prisons situated inside Israeli territory to exercise their right to visits by their families, despite calls to this effect from the International Committee of the Red Cross to Israel,
- I. whereas the issue of prisoners has important political, social and humanitarian implications, and the arrest of 48 elected members of the Palestinian Legislative Council and other local councillors has serious consequences for political developments in the occupied Palestinian territory; whereas the 'Prisoners' Document', adopted in May 2006 by detained Palestinian political leaders from various factions, served as a basis for national reconciliation and paved the way for the establishment of a national unity government,
- J. whereas relations between the European Communities and Israel, under Article 2 of the EU-Israel Association Agreement, are based on respect for human rights and democratic principles, which constitute an essential element of that agreement; whereas the EU-Israel Action Plan stresses that respect for human rights and for international humanitarian law is among the values shared by the parties,
1. Welcomes the recent decision by the Israeli Government to free a number of Palestinian prisoners, this being a positive gesture to strengthen the authority of the Palestinian Authority and install a climate of mutual trust;
 2. Calls for steps to be taken by Hamas and Israel with a view to the immediate release of the Israeli Corporal Gilad Shalit;
 3. Stresses that the issue of Palestinian prisoners has a major impact on both Palestinian society and the Israeli-Palestinian

conflict and considers that, in this context, a substantial release of Palestinian prisoners, as well as the immediate release of the imprisoned members of the Palestinian Legislative Council including Marwan Barghouti, could be a positive step towards establishing the climate of mutual trust needed to make substantial progress in the peace negotiations;

4. Supports the legitimate security concerns of Israel; believes that the rule of law must be fully respected in the treatment of all prisoners, this being crucial for a democratic country;

5. Calls on Israel to guarantee that minimum standards on detention be respected, to bring to trial all detainees, to put an end to the use of 'administrative detention orders', and to implement adequate measures for minors and prisoners' visiting rights, in full compliance with international standards including the Convention on the Rights of the Child and the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;

6. Expresses its concern at the situation of Palestinian women and vulnerable prisoners, who are reportedly subjected to mistreatment and a lack of access to health care;

7. Calls on the Palestinian Authority to make every effort to prevent any violent or terrorist acts, particularly by former prisoners and, especially, by children;

8. Expresses its belief that the upgrading of EU-Israel relations should be consistent with and linked to Israel's compliance with all obligations under international law;

9. Welcomes the decision taken at the eighth meeting of the EU-Israel Association Council to establish a fully-fledged Subcommittee on Human Rights replacing the current Working Group on Human Rights; calls for human rights organisations and non-governmental organisations in Israel and in the Occupied Palestinian Territories to be extensively consulted and fully involved in monitoring Israel's progress towards compliance with its obligations under international law;

10. Instructs its President to forward this resolution to the Council, the Commission, the Israeli Government, the Knesset, the President of the Palestinian Authority, the Palestinian Legislative Council, the High Representative for the Common Foreign and Security Policy, the governments and parliaments of the Member States, the UN Secretary-General, the Quartet Envoy to the Middle East, the President of the Euro-Mediterranean Parliamentary Assembly, the UN High Commissioner for Human Rights and the International Committee of the Red Cross.

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